

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

EUGENE DUNCAN, on behalf of herself and  
all others similarly situated,

Plaintiffs,

v.

MR. CHRISTMAS INCORPORATED,

Defendant.

Civil Action No. 1:20-cv-05984-NGG-RER

ECF Case

**STIPULATION OF DIMSISAL WITH  
PREJUDICE**

**IT IS HEREBY STIPULATED AND AGREED**, by and between the parties to the above-captioned action, through their undersigned counsel, that the above-captioned action is dismissed with prejudice as to all claims, causes of action, and parties, in accordance with Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure.

**IT IS HEREBY FURTHER STIPULATED AND AGREED** that each party shall bear its own costs, expenses, and attorneys' fees, except as otherwise agreed in writing by the parties.

Dated: April 19, 2021

LAW OFFICE OF JUSTIN A. ZELLER, P.C. SILLS CUMMIS & GROSS P.C.

By:   
Justin A. Zeller, Esq.  
277 Broadway, Suite 408  
New York, New York 10007  
Tel: (212) 229-2249  
E-mail: jazeller@zellerlegal.com

By:   
Jordan E. Pace  
One Riverfront Plaza  
Newark, New Jersey 07102  
Tel: (973) 643-7000  
E-mail: jpace@sillscummis.com

*Attorneys for Plaintiff Eugene Duncan*

*Attorneys for Defendant Mr. Christmas  
Incorporated*

**SO ORDERED.**

/s/ Nicholas G. Garaufis  
**Hon. Nicholas G. Garaufis**  
**Date: April 20, 2021**